

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ARMANDO MARTINEZ,

Petitioner,

v.

No. CV 21-848 MV/CG

RICHARD MARTINEZ and
ATTORNEY GENERAL OF THE
STATE OF NEW MEXICO,

Respondents.

ORDER TO ANSWER

This matter is before the Court on Petitioner Armando Martinez's 28 U.S.C. § 2254 *habeas corpus petition* (the "Petition"), (Doc. 1), filed August 27, 2021. Mr. Martinez challenges his state criminal convictions based on, *inter alia*, ineffective assistance of trial counsel and due process violations. The Court, having reviewed the Petition pursuant to 28 U.S.C. § 2254 and Habeas Corpus Rule 4, determines the claims must be resolved on a full record.

IT IS THEREFORE ORDERED that the Clerk shall forward copies of this Order and the Petition, (Doc. 1), to Respondent Attorney General of the State of New Mexico;

IT IS FURTHER ORDERED that Respondents shall answer the Petition by **March 21, 2022**. Respondents' answer must address the merits of each claim and whether Mr. Martinez has exhausted his state court remedies. If the Petition is mixed, and contains both exhausted and unexhausted claims, Respondents should take a position on how to proceed (*i.e.* stay the case while Mr. Martinez exhausts all claims, overlook exhaustion and dismiss on the merits, delete the unexhausted claims, etc). Respondents must attach to their answer copies of any filing pertinent to the issue of exhaustion and/or the

merits that was filed by Mr. Martinez in the sentencing court, the state district court, the state court of appeals, and the state supreme court; and copies of all memoranda filed by both parties. Respondents must also attach to the answer copies of all state court post-conviction or appellate proceedings and any trial transcripts that are necessary to resolve the claims. The answer must describe the procedural history of each claim that Respondents contend is unexhausted and identify the State procedures that are currently available to Mr. Martinez.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE